

United States Court of Federal Claims

No. 14-253C
Filed: May 10, 2018

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| BLACKHAWK-JAMCO, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| THE UNITED STATES, |) |
| |) |
| Defendant. |) |

ORDER

At a status conference held on May 10, 2018, the parties indicated that the plaintiff, Blackhawk-Jamco is now defunct and has been taken over by Traveler's Insurance Co. The parties further indicated that Traveler's Insurance Co. has begun negotiations with the U.S. Army Corps of Engineers that would address the issues within the Complaint in the case at bar.

As Blackhawk-Jamco is now defunct, it seems to this Court that Traveler's Insurance Co. is the real party in interest pursuant to Rule 17(a)(1) of the Rules of the Court of Federal Claims. Blackhawk-Jamco is essentially a zombie organization that exists solely for the purpose of continuing this suit, but one which does not actually retain the legal rights or the resources necessary to pursue its claims. As such, Traveler's Insurance Co. must be substituted as the real party in interest according to Rule 25(c) of the Rules of the Court of Federal Claims, or this Court will have no choice but to dismiss this case as moot.

Traveler's Insurance Co. shall file a Motion for Substitution as the Real Party in Interest on or before **July 9, 2018**, or this Court will have no choice but to dismiss this case as moot in accordance with Rule 17(a)(3) of the Rules of the Court of Federal Claims.

IT IS SO ORDERED.

s/ Loren A. Smith
Loren A. Smith,
Senior Judge